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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,644	01/20/2004	T. Michael Abinanti	TMA-101	5316

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EXAMINER

ORGAD, EDAN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,644

Applicant(s)

ABINANTI, T. MICHAEL

Examiner

Edan Orgad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/20/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 14-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kendir et al (US 2002/0197584).

Regarding claim 1, Kendir teaches a transmitter module (fig. 1A, element 4) one of detachably mounted to and integrated with a sporting equipment (§ 0031 & element 6 is a rifle, also see figure 2 which shows the integration and mounting of the transmitter module to the rifle).

Regarding claim 2, Kendir teaches a remote receiver device (element 10) in responsive communication with the transmitter module, and the remote receiver device receiving at least one control signal transmitted from the transmitter module (§ 0031).

Regarding claim 3, Kendir teaches the sporting equipment comprises a firearm (element 6, discloses a rifle).

Regarding claim 4, Kendir teaches the transmitter module is positioned within a sleeve removeably fastened to the sporting equipment (figure 2, element 4; more specifically, Kendir teaches a bracket, a barrel type bracket, ¶ 0033. According to Webster's dictionary a sleeve is a tubular part designed to fit over another part).

Regarding claim 5, Kendir teaches the transmitter module is integrated with the sporting equipment (¶ 0031).

Regarding claim 6, Kendir teaches a faceplate of the transmitter module is generally flush with an outer surface of the sporting equipment (element 142 of transmitter 4 is flush with the outer surface of the rifle).

Regarding claim 7, Kendir teaches the transmitter module further comprises a microcontroller in operational control communication with a remote receiver device (¶ 0018).

Regarding claim 8, Kendir teaches the microcontroller further comprises an electronic circuit board (¶ 0034).

Regarding claim 9, Kendir teaches the transmitter module further comprises at least one control contact (element 27, a wave sensor actuated by trigger 7).

Regarding claim 10 and 16, Kendir teaches the trigger (element 7) of the rifle as an actuator for the transmitter (element 4). Therefore, Kendir discloses one control contact comprises a pushbutton for transmitting a dedicated control signal to a remote receiver device.

Regarding claim 11, Kendir teaches a sleeve removeably fastened to a gunstock, and the sleeve holding a transmitter module (figure 2, element 3, is a bracket & element 4 is a transmitter module; more specifically, Kendir teaches a bracket, a barrel type bracket, ¶ 0033. According to Webster's dictionary a sleeve is a tubular part designed to fit over another part, furthermore,

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Kendir: bottom of ¶ 0034 teaches the transmitter module may be fastened to the firearm at any suitable location).

Regarding claim 12, Kendir teaches a remote receiver device in responsive communication with the transmitter module, and the remote receiver device receiving at least one control signal transmitted from the transmitter module (¶ 0031).

Regarding claim 14, Kendir teaches the transmitter module further comprises a microcontroller in operational control communication with a remote receiver device (¶ 0034).

Kendir teaches 15, Kendir teaches the transmitter module further comprises at least one control contact (element 27, a wave sensor actuated by trigger 7).

Regarding claim 18, Kendir teaches a remote receiver device translates the control signal into at least one of an electrical action and a mechanical action (¶ 0031 & 0032).

Regarding claim 19, Kendir teaches a control device comprising: a transmitter module mounted with respect to a piece of equipment (figure 1A & ¶ 0031).

Regarding claim 20, Kendir teaches a remote receiver device in responsive communication with the transmitter module, the remote receiver device receiving at least one control signal transmitted from the transmitter module and translating the control signal into at least one of an electrical action and a mechanical action (figure 1A & ¶ 0031-0032).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kendir et al (US 2002/0197584).

Regarding claim 13, Kendir does specifically disclose at least one of a snap, a button, a hook-and-loop fastener, a strap fastener and a zipper fastens the sleeve to the gunstock. However, official notice is taken that snaps, button etc. as fasteners are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to make Kendir's control device, for example, a snap like fastener that will fasten to the stock barrel because Kendir teaches a bracket (control device) that can be constructed of any suitable materials and may be fastened at any location on the firearm (see bottom of ¶ 0034).

Regarding claim 17, Kendir teaches a dedicated control signal comprising an optical signal but fails to specifically disclose at least one of a voice signal, a sound signal, a single shock signal, a multiple shock signal, a single vibration signal and a multiple vibration signal. However, official notice is taken that dedicated control signals comprising voice signals etc. are very well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a voice signal to Kendir's already existing control signal comprising an optical signal in order to provide the shooter and computer operator with voice ability in instances where the shooter is at distance far enough where "talking" would not be heard.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kendir et al (US 2002/0197584) in view of Holford (US # 5,044,107).

Regarding claim 21, Kendir teaches the trigger of the rifle as a controller/actuator of the transmitter. However, Kendir fails to specifically disclose the transmitter module further comprises a control panel in operational control communication with a remote receiver device, the control panel comprising a plurality of pushbuttons, each pushbutton of the plurality of pushbuttons corresponding with a dedicated control signal. However, in the same field of endeavor, Holford teaches a talking rifle comprising a communications device mounted and integrated on a rifle stock where the communications device comprises a control panel in operational control communication with a remote receiver device, the control panel comprising a plurality of pushbuttons, each pushbutton of the plurality of pushbuttons corresponding with a dedicated control signal (see Holford, figure 1, col. 2, lines 9-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Holford's talking rifle apparatus with Kendir's laser training rifle in order to provide communications means between the shooter and any trainer or computer operator.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kendir et al (US 2002/0197584) in view Holford (US # 5,044,107) and further in view of Kim et al (US 6,598,563).

Regarding claim 22, Kendir as modified by Holford teach wherein a first push button of the plurality of pushbuttons operates a sound signal (see Holford: col. 2, lines 5-31). However, Kendir and Holford fail to specifically disclose a second pushbutton of the plurality of pushbuttons operates at least one of a single shock signal and a single vibration signal and a third pushbutton of the plurality of pushbuttons operates at least one of a multiple shock signal and a

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multiple vibration signal. However, in related art, Kim teaches a communications device (figure 1 & col. 3, lines 8-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kim's training pushbutton device with Kendir's laser training rifle in order to provide Kendir's already existing hunting training rifle with greater control means and communications.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,591,786 Device and method for safely inserting an electronic device in an ear of a four-legged non-human trained animal.

US 6,166,643 Method and apparatus for controlling the whereabouts of an animal.

US 5,815,077 Electronic collar for locating and training animals.

US 3,336,530 Direction finding system for hunting dogs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

7/29/05 E.O.